

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## THE HANOVER INSURANCE COMPANY,

Plaintiff,

V.

CRISTINA MEHLING, et al.,

## Defendants.

C16-1671 TSZ

## MINUTE ORDER

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The following Minute Order is made

(1) Pursuant to plaintiff's status reports, docket nos. 55 and 56, indicating that the underlying state court litigation between defendants Cristina Mehling and Mehling Law Firm PLLC ("Mehling") and defendant Virginia L. Burdette, the Chapter 7 Trustee for the Andrew Kim Bankruptcy Estate, has been resolved and that the settlement has been approved by the Bankruptcy Court, plaintiff's claims against Trustee Burdette are DISMISSED with prejudice and without costs.

(2) Also pursuant to plaintiff's status reports, docket nos. 55 and 56, plaintiff's motion for reconsideration, docket no. 32, of the stay imposed by the Minute Order entered May 8, 2017, docket no. 31, is STRICKEN as moot. The underlying state court litigation having been resolved, the stay is hereby LIFTED, and this case is returned to the active docket.

(3) Mehling's motion for attorney's fees, docket no. 44, is RENOTED to November 17, 2017. On or before November 13, 2017, plaintiff is DIRECTED to file a supplemental response, not to exceed twelve (12) pages in length, concerning whether its payment of settlement funds, see Trustee's Motion (Bankr. W.D. Wash. 14-16476-MLB, docket no. 33), effectively rendered Mehling a prevailing party for purposes of attorney's fees.

1 fees pursuant to *Olympic S.S. Co. v. Centennial Ins. Co.*, 117 Wn.2d 37, 811 P.2d 673  
2 (1991), and whether Mehling's counsel's hourly rates and amount of time billed in this  
3 matter are reasonable. In its supplemental response, plaintiff shall also address whether  
4 the deferred portion of plaintiff's motion for judgment on the pleadings, docket no. 15,  
5 concerning whether plaintiff has a duty to indemnify Mehling, *see* Minute Order at ¶ 1  
6 (docket no. 31), can be stricken as moot, and whether plaintiff's claims against Mehling  
7 can be dismissed with prejudice. Any supplemental reply by Mehling shall not exceed  
8 six (6) pages in length and shall be filed by the new noting date.

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10 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of  
11 record.

12 Dated this 13th day of October, 2017.

13  
14 William M. McCool

15 Clerk

16  
17 s/Karen Dews

18 Deputy Clerk